

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 05-10721
Non-Argument Calendar

<p>FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT January 6, 2006 THOMAS K. KAHN CLERK</p>
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D. C. Docket No. 03-00042-CR-MMP

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RANDY L. HOLT,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Florida

(January 6, 2006)

Before ANDERSON, DUBINA and HULL, Circuit Judges.

PER CURIAM:

Randy L. Holt appeals his 18-month sentence for mail fraud in violation of

18 U.S.C. § 1341. Holt argues that the district court erred in enhancing his sentence under an advisory guidelines system based on facts that were neither pled in his indictment nor admitted by him.

Holt was sentenced after the Supreme Court returned its decision in United States v. Booker, 543 U.S. ___, 125 S.Ct. 738 (2005). After Booker, we review questions of law arising under the Guidelines de novo. United States v. Crawford, 407 F.3d 1174, 1178 (11th Cir. 2005). If the district court has calculated the Guidelines correctly, we review the sentence for reasonableness. Crawford, 407 F.3d at 1179.

Booker holds that “the Sixth Amendment right to trial by jury is violated where *under a mandatory guidelines system* a sentence is increased because of an enhancement based on facts found by the judge that were neither admitted by the defendant nor found by the jury.” United States v. Rodriguez, 398 F.3d 1291, 1298 (11th Cir.), cert. denied, 125 S.Ct. 2935 (2005) (emphasis in original). We have also explicitly held that “[e]xtra-verdict enhancements are to be determined and used in the post-Booker world.” Rodriguez, 398 F.3d 1301. See also, United States v. Williams, 408 F.3d 745, 749 (11th Cir. 2005).

In this case, the record shows that the district court was aware the Guidelines were merely advisory. Consequently, any judicial fact-finding done by the district

court did not implicate the Sixth Amendment. The record indicates that the applicable Guidelines range was accurately calculated and considered by the district court. The sentence ultimately imposed by the district court was entirely reasonable. Therefore, the judgment of the district court is

AFFIRMED.